

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GENON MIDATLANTIC, LLC and GENON CHALK POINT, LLC)	
)	
)	Case No. 11 CIV 1299 (HB/FM)
Plaintiff,)	
)	
- <i>against</i> -)	
)	
STONE & WEBSTER, INC.,)	NOTICE OF MOTION
)	<u>FOR SANCTIONS</u>
Defendant and Third-Party Plaintiff)	
)	
- <i>against</i> -)	Oral Argument Requested
)	
SIEMENS WATER TECHNOLOGIES CORPORATION,)	
)	
Third-Party Defendant)	

PLEASE TAKE NOTICE that, upon the Declaration of Michael Branca dated December 22, 2011, together with supporting exhibits annexed thereto, the Memorandum of Law in Support, and all prior pleadings and proceedings had herein, Stone & Webster, Inc. will move this Court, before the Honorable Harold Baer, Jr., located at 500 Pearl Street, New York, New York, at a date and time to be set by the Court, granting the following sanctions against plaintiffs by reason of the spoliation of evidence by plaintiffs' agent, FTI, Inc.: dismissal of plaintiffs' complaint, or in the alternative precluding FTI from offering expert testimony in this action by affidavit or testimony, or drawing an adverse inference against GenOn and any evidence offered by FTI, or costs and expenses and such other relief in favor of Stone & Webster, Inc. as this Court may deem just under the circumstances.

PLEASE TAKE FURTHER NOTICE that, responses or objections, if any, to the motion must be served in accordance with the Court's rules, including Local Civil Rule 6.1.

Dated: December 22, 2011

Respectfully Submitted,

PECKAR & ABRAMSON, P.C.

By: ____/s/ Michael Branca_____
Michael Branca
Attorneys for Defendant/Third-Party Plaintiff
41 Madison Avenue, 20th Floor
New York, New York 10010
(212) 382-0909

TO: ALSTON & BIRD LLP
Attorneys for GenOn
90 Park Avenue
New York, NY 10016
Attn: Karl Geercken, Esq.
Karl.Geercken@alston.com

1201 West Peachtree Street
Atlanta, GA 30309
Attn: Deborah Cazan
Michael Shanlever
Debbie.Cazan@alston.com
Mike.Shanlever@alston.com

PEPPER HAMILTON LLP
Attorneys for Siemens
The New York Times Building
37th Floor, 620 Eighth Avenue
New York, NY 10018-1405
Attn: Ira M. Schulman
Consuelo Alden Vasquez
schulmaI@pepperlaw.com
vasquezC@pepperlaw.com

50 Grant Street, 50th Floor
Pittsburgh, PA 15219
Attn: Ralph A. Finizio
Ann B. Graff
finizioR@pepperlaw.com
graffA@pepperlaw.com

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